

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
V .	§	CRIMINAL CASE NO. 3:18-CR-235-S
	§	
JEAN LOUI VARGAS-MALAVE (02)	§	

**RECOMMENDATION REGARDING MOTION TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

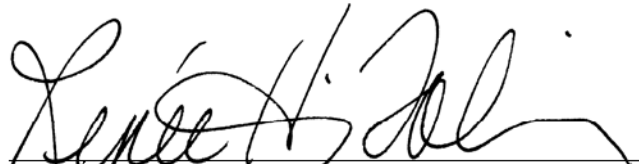
Before the Court is Defendant's motion to proceed *in forma pauperis* on appeal filed August 17, 2020, which was referred to the undersigned United States magistrate judge. Doc. 410; Doc. 411. Defendant appeals from the July 24, 2020 order overruling his objections to the Court's Order Denying his Covid-19 motion for Home Confinement/Compassionate Release and denying his motion for reconsideration contained therein. Doc. 408.

It is recommended that the Court deny the motion to proceed *in forma pauperis* on appeal and certify, pursuant to Fed. R. App. P. 24(a) and 28 U.S.C. § 1915(a)(3), that the appeal is not taken in good faith. For the reasons stated in the July 24, 2020 order and the June 18, 2020 *Memorandum Opinion and Order*, Doc. 404, the appeal presents no legal points of arguable merit and is therefore frivolous.

Although this appeal should be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the defendant may challenge this finding by filing a separate motion to proceed in forma pauperis on appeal with the Clerk of Court, U.S. Court of

Appeals for the Fifth Circuit, within 30 days of the District Court's order adopting this recommendation.

SO RECOMMENDED on August 20, 2020.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE